

Jeffrey M. Eilender  
Partner

jeilender@schlamstone.com

SCHLAM STONE & DOLAN LLP

26 Broadway, New York, NY 10004  
Main: 212 344-5400 Fax: 212 344-7677  
schlamstone.com

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**BY ECF**

The Honorable Cheryl L. Pollak  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Toussie, et al., v. Allstate Insurance Co.*, Case No. 15-cv-5235 (ARR) (CLP);  
Preservation Order

Dear Judge Pollak:

This firm represents Plaintiffs Robert and Laura Toussie in this action.

On May 2, 2018, the Court extended its earlier preservation orders enjoining Plaintiffs from removing any of their boxes or property from CFASS "pending further Order of this Court." Dkt. No. 181 at 1. The basis for this extension was that there are "pending disputes" that the Court has not yet resolved concerning whether the preservation orders should be lifted. *Id.*

But as Allstate itself made clear in its letter opposition to Plaintiffs' motion to lift the preservation orders, "Allstate does not take the position that all of the boxes at CFASS must be retained until trial," and seeks to restrain only the "58 boxes" it identified on Exhibit A to its letter. Dkt. No. 165 at 1; *see also* Dkt. No. 165-1 (Exhibit A).

Thus, there is no "pending dispute" concerning any of Plaintiffs' boxes and property at CFASS *other than* the boxes listed on Allstate's Exhibit A (Dkt. No. 165-1). So the Court should immediately lift the preservation orders over, and allow Plaintiffs to dispose of, all Plaintiffs' boxes and property at CFASS *other than* the 58 boxes Allstate listed on Exhibit A.

Respectfully submitted,

/s/ Jeffrey M. Eilender  
Jeffrey M. Eilender

cc: All counsel of record (by ECF)

The Court will issue  
its Order in due  
time. So Ordered  
C/s/ Cheryl L. Pollak  
J usmt  
5/8/18